

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE UBIQUITI NETWORKS, INC.
SECURITIES LITIGATION

No. 1:18-cv-01620 (VM)

Class Action

THIS DOCUMENT RELATES TO: ALL CASES

[PROPOSED] ORDER OF FINAL DISTRIBUTION OF SETTLEMENT FUND

By Final Judgment Approving Class Action Settlement and Order of Dismissal With Prejudice dated March 27, 2020 (Dkt. No. 49, the “Final Order”), this Court approved, *inter alia*, (i) the terms of the Stipulation of Settlement dated December 2, 2019 (Dkt. No. 39-1, the “Stipulation”), whereby Defendants agreed to pay \$15,000,000 (the “Settlement Fund”); (ii) a Plan of Allocation for distribution of the Net Settlement Fund; and (iii) the award of fees and expenses to Lead Counsel.¹

The court-approved settlement administrator, JND Legal Administration (“JND”), has determined that 2,227² valid claims representing Recognized Losses of \$34,822,957.20 were filed on the Settlement Fund with Recognized Claims under the Plan of Allocation representing a gross recovery of approximately 43%³ and a net recovery of approximately 26%⁴ for all valid claims.

¹ Unless otherwise indicated, all capitalized terms herein have the same meanings as set forth in the Stipulation.

² This number includes 2,171 timely filed valid claims and 56 late but otherwise valid claims.

³ The \$15,000,000 Settlement amount divided by \$34,822,957.20 of Recognized Claims.

⁴ The net recovery represents the total amount available for distribution to valid claimants of \$9,153,612.32 (see below) divided by total Recognized Claims of \$34,822,957.20.

The Net Settlement Fund (after payment of all court approved attorneys' fees, expenses, compensatory awards, and Administrative Costs) will total \$9,153,612.32.⁵ JND's administrative fees and expenses (Administrative Costs) totaled \$774,683.04 in connection with the services performed in giving Class Notice, preparing tax returns for the Settlement Fund, processing Proofs of Claims, and communicating with Settlement Class Members, \$250,000 of which has already been paid from the Notice Administration Fund.

This Court has authorized and directed the parties to implement all of the terms and provisions of the Stipulation; and

This Court has retained jurisdiction over this Action for the purpose of considering any further application or matter that may arise in connection with the administration and execution of the Settlement, the processing of Proofs of Claims, and the distribution of the Net Settlement Fund.

NOW, THEREFORE, upon consideration of Lead Plaintiff's Motion to Distribute the Settlement Fund (the "Motion"), the Memorandum of Law in Support of the Motion, the Declaration of Luiggy Segura in Support of Lead Plaintiff's Motion for Approval of Distribution Plan ("Segura Declaration"), and upon all prior proceedings herein, and after due deliberation;

IT IS HEREBY ORDERED THAT:

1. Lead Plaintiff's Motion is granted;
2. Distribution of the Net Settlement Fund, as set forth in the Segura Declaration, will commence no later than thirty (30) calendar days after entry of this Order;

⁵ This represents the Settlement Amount of \$15,000,000, plus interest of \$35,699.17, less the following: legal fees and expenses, plus interest, of \$5,102,403.81; payments to the Lead Plaintiff of \$5,000; and administrative fees and expenses (Administrative Costs) of \$250,000 already paid and \$524,683.04 still outstanding for work already completed.

3. JND's determinations accepting the claims, as indicated in Exhibits C and D to the Segura Declaration, are approved, and said claims are hereby accepted;
4. JND's determination rejecting the claims, as indicated in Exhibit E to the Segura Declaration, are approved, and said claims are hereby rejected, including the rejection of Claim DUCNV-QX9HK. Upon review, the Court agrees with JND's determination (as described in ¶ 36 of the Segura Declaration) that Claim DUCNV-QX9HK does not calculate to a Recognized Claim pursuant to the Plan of Allocation and thus agrees with JND's determination to reject Claim DUCNV-QX9HK;
5. Any claims filed after July 15, 2020 are hereby barred, subject to the terms of ¶ 39 of the Segura Declaration;
6. JND will conduct an initial distribution (the "Initial Distribution," as defined in Paragraph 50(a) of the Segura Declaration) of the Net Settlement Fund, after deducting (a) its outstanding fees and expenses described in Paragraph 9 below and (b) payment of any estimated taxes, the costs of preparing appropriate tax returns, and any escrow fees, if any;
7. No earlier than six (6) months from the date of the Initial Distribution, any unclaimed, residual balance in the Net Settlement Fund after the Initial Distribution, after paying any amounts mistakenly omitted from the initial disbursement, and after deducting the payment of any estimated taxes, the costs of preparing appropriate tax returns, and any escrow fees, if any, shall be redistributed to all Claimants who have cashed their checks from the Initial Distribution and whose proportionate share of the remaining Net Settlement Fund is \$10.00 or more. Additional distributions, after

deduction of costs and expenses as described in this paragraph, and subject to the same conditions, may occur thereafter in 6-month intervals until Lead Counsel, in consultation with JND, determines that further distribution is not cost-effective;

8. Thereafter, if any sums remain unclaimed, and the unclaimed amount is not sufficiently large to warrant further distribution as described in ¶ 50(e) of the Segura Declaration, the balance shall be paid in equal amounts to the Institute for Law and Economic Policy;
9. JND will be paid outstanding fees and expenses in the amount of \$524,683.04;
10. All persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the claims submitted herein or otherwise involved in the administration or taxation of the Settlement Fund or the Net Settlement Fund are released and discharged from any and all claims arising out of such involvement, and all Settlement Class Members, whether or not they are to receive payment from the Net Settlement Fund, are barred from making any further claim against the Net Settlement Fund or the released persons beyond the amount allocated to them pursuant to this Court's order;
11. One year after the Second Distribution, if that occurs, or, if there is no Second Distribution, two years after the Initial Distribution (as those terms are defined in the Segura Declaration), JND may destroy the paper copies of the Claims and all supporting documentation, and one year after all funds have been distributed, JND may destroy electronic copies of the same; and
12. This Court shall retain jurisdiction over any further application or matter that may arise in connection with this Action.

SO ORDERED:

DATED: _____

UNITED STATES DISTRICT JUDGE
HON. VICTOR MARRERO